

FACTORS AFFECTING THE

APR 21 1997

operations now on low power UHF (450-470 MHz) offset channels which will need to be relocated as a result of the Commission's recent spectrum refarming action (PR Docket 92-235).

Due in part to the Commission's flexible licensing proposal, it is difficult to estimate the amount of MAS spectrum that will be necessary and appropriate for public safety, other than to note that the potential public safety applications are far more than could be accommodated in the five (5) channel pairs proposed to be set aside for public safety. A single public safety agency in a metropolitan area could easily use all five channel pairs, leaving other users without any relief.

The Public Safety Wireless Advisory Committee ("PSWAC") Report recently estimated that public safety agencies will need nearly 100 MHz of additional spectrum by the year 2010. Fortunately, 24 MHz may soon be allocated to public safety in the 746-806 MHz band (UHF-TV channels 60-69). However, far more must be done to meet the needs identified by PSWAC, regardless how much MAS spectrum is allocated for public safety. Therefore, APCO urges the Commission to set aside as many MAS channels as possible.

The Commission seeks comment as to whether there should be a termination date for a set-aside of channels for public safety. APCO acknowledges the need to ensure efficient spectrum utilization and does not believe that large blocks of spectrum should be left fallow forever waiting for users that may never surface. However, APCO is opposed to arbitrary termination dates for public safety spectrum set-asides, primarily because of the potential impact of auctions on future spectrum availability.

While the FCC does not relinquish all rights to auctioned spectrum, reclaiming it for reallocation to other users (such as public safety) will be extraordinarily difficult. Therefore, as more and more spectrum is subject to auctions, it is critical that the FCC establish long-term spectrum plans and set aside adequate spectrum for public safety use well into the future. While those set-asides should not last forever, a premature deadline could cause serious and irreparable harm to the ability of public safety agencies to obtain necessary spectrum in the future.

Instead of an arbitrary termination date, APCO suggests that Commission revisit the status of a set-aside within a specified time frame to evaluate whether it is still necessary or adequate and whether any changes in rules related to that set-aside are appropriate. In the context of the MAS spectrum, five years might be an appropriate time for such a re-evaluation. Five years would be too early, however, for an automatic termination of the set-aside.

While APCO is responsive to the proposal for shared use of these MAS channels with the Federal government, APCO believes there must be joint frequency coordination between APCO and IRAC to successfully and efficiently carry out any sharing. APCO is willing to take the lead in arranging joint frequency coordination with IRAC upon completion of this proceeding and the allocation of the MAS frequencies to public safety. This approach would most likely best serve both classes of users.

APCO suggests that the MAS rules permit two adjacent pairs to be combined into a 25 kHz channel for higher speed data. Using 25 kHz of bandwidth with existing equipment would allow a 19.2 KBit data rate for more demanding public safety

communications applications over the frequencies. For less demanding applications one pair of frequencies using 12.5 kHz of bandwidth would be available.

APCO disagrees with the Commission's proposal in the NPRM to apply the mileage separation criteria to the proposed MAS allocations to public safety as is currently required of MAS and other licensees under Part 101 of the FCC's rules. There should be no set mileage separation criteria applied to public safety use of this band. In order for public safety agencies to utilize these frequencies in the most flexible and efficient manner possible, the Commission should permit each system to be tailored to cover only the geographic area of the agency implementing the system. For example, the Southern California Regional plan for NSPAC makes co-channel assignments as close as 35 miles separation or less between agencies. The actual station location in this case is typically a little more than 35 miles separation, but much less than the 70-mile criteria used in the 800 MHz band. This type of framework makes the most sense for public safety use of these channels.

In addition to providing added flexibility for the development of services, geographic licensing of these systems could reduce the cost and complexity of the licensing process with regard to system modifications and expansion. The existing licensing process for MAS has been cumbersome to several APCO members who have faced reduced flexibility to expand or change a developing MAS system. Licensing on a geographic basis would simplify and streamline the MAS licensing process.

Conclusion

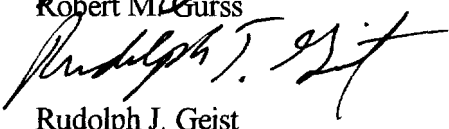
APCO supports allocation of MAS channels for public safety use as described above.

Respectfully submitted,

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